

# DAILY DIGEST

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June 25,1998

\*\*Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.

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## NEWS RELEASES

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MASS MEDIA ACTION - INITIAL DECISION REVOKING THE LICENSES AND CONSTRUCTION PERMITS OF CONTEMPORARY MEDIA, INC., CONTEMPORARY BROADCASTING, INC., AND LAKE BROADCASTING, INC., AFFIRMED - REPORT NO. MM 98-9 (MM DOCKET NO. 95-154). The Commission affirmed the initial decision of Administrative Law Judge Arthur I. Steinberg revoking the licenses and construction permits held by Contemporary Media, Inc., Contemporary Broadcasting, Inc., and Lake Broadcasting, Inc. and denying Lake's application for a new station because of violations of laws relating to repeated sexual abuse of children by the stations' sole owner and misrepresentations by the licensees. Action by the Commission June 22, 1998, by Decision (FCC 98-133). News Media Contact: Megan Stull at (202) 418-0500.. MMB. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/News\\_Releases/1998/nrmm8020.wp](https://www.fcc.gov/Bureaus/Mass_Media/News_Releases/1998/nrmm8020.wp)

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## PUBLIC NOTICES

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Report No: N-72-A. Released: June 25, 1998. COMMON CARRIER NETWORK SERVICES APPLICATIONS ACTIONS.

Released: June 25, 1998. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG - JUNE 24. Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Public\\_Notices/Tariffs/combined/tt062498.pdf](https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/Tariffs/combined/tt062498.pdf)

Report No: I-8316. Released: June 25, 1998. OVERSEAS COMMON CARRIER SECTION 214 APPLICATIONS ACTIONS TAKEN. (DA No. 98-1233). Internet URL: [https://www.fcc.gov/Bureaus/International/Public\\_Notices/1998/da981233.wp](https://www.fcc.gov/Bureaus/International/Public_Notices/1998/da981233.wp)

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## TEXTS

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FALCON CABLEVISION. Granted LFA complaint filed against Falcon Cablevision concerning its charges for cable programming service tier in Calabasas, California. Action by Acting Bureau Chief. Adopted: June 22, 1998. by Order. (DA No. 98-1221). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981221.wp>

FALCON CABLEVISION. Denied complaints filed against the October 1, 1997 rate increase of Falcon Cablevision for cable programming services tier in Woodland Hill and Topanga, California. Denied Falcon Cablevision's Petition for Reconsideration of DA 97-1851 and accepted Falcon's refund plan with adjustments.

Action by Acting Bureau Chief. Adopted: June 22, 1998. by Ord./Rate Ord. (DA No. 98-1217). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981217.wp>

TIME WARNER CABLE D/B/A OCEANIC CABLE. Granted in part Petition for Reconsideration filed by Time Warner Cable and granted a complaint filed against the January 1, 1998, rate increase of Time Warner Cable d/b/a Oceanic Cable for cable programming services tier in Honolulu, Hawaii. Action by Acting Bureau Chief. Adopted: June 22, 1998. by Ord./Rate Ord. (DA No. 98-1210). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981210.wp>

TIME WARNER CABLE. Approved the refund plan Time Warner Cable filed for the City of Troy, Ohio. Action by Chief, Financial Analysis and Compliance Division. Adopted: June 22, 1998. by Order. (DA No. 98-1211). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981211.wp>

TIME WARNER CABLE. Approved the refund plan Time Warner Cable filed for West Milton, Ohio. Action by Chief, Financial Analysis and Compliance Division. Adopted: June 22, 1998. by Order. (DA No. 98-1212). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981212.wp>

FALCON CABLEVISION. Denied LFA complaint filed against Falcon Cablevision concerning its charges for cable programming service tier in (incorporated) Calabasas, California. Action by Chief, Financial Analysis and Compliance Division. Adopted: June 23, 1998. by Order. (DA No. 98-1222). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981222.wp>

TIME WARNER CABLE D/B/A OCEANIC CABLE. Denied a complaint filed against Time Warner Cable's d/b/a Oceanic Cable's January 1, 1998 rate increase for cable programming services tier in various communities in Hawaii. Action by Chief, Financial Analysis and Compliance Division. Adopted: June 22, 1998. by Order. (DA No. 98-1218). CSB Internet URL: <https://www.fcc.gov/Bureaus/Cable/Orders/1998/da981218.wp>

CONTEMPORARY MEDIA, INC., CONTEMPORARY BROADCASTING, INC., LAKE BROADCASTING, INC. Affirmed the initial decision of Administrative Law Judge Arthur I. Steinberg revoking the licenses and construction permits held by Contemporary Media, Inc., Contemporary Broadcasting, Inc., and Lake Broadcasting, Inc. and denying Lakes application for a new station because of violations of laws relating to repeated sexual abuse of children by the station's sole owner and misrepresentations by the licensees. Dkt No.: MM- 95-154. Action by the Commission. Adopted: June 22, 1998. by Appearances. (FCC No. 98-133). MMB Internet URL: <https://www.fcc.gov/Bureaus/Mass Media/Orders/1998/fcc98133.wp>

AMENDMENTS TO PARTS 0 AND 63 OF THE COMMISSION'S RULES TO CHANGE THE RECIPIENT OF FINAL TELEPHONE NETWORK OUTAGE REPORTS. Amended Part 63 of the Commission's Rules so that carriers required to provide the Commission with final reports of certain telephone network service outages will be directed to send the reports to the Chief of the FCC's Office of Engineering and Technology instead of the Chief of the FCC's Common Carrier Bureau. Action by the Commission. Adopted: June 19, 1998. by Order. (FCC No. 98-127). OET Internet URL: <https://www.fcc.gov/Bureaus/Engineering Technology/Orders/1998/fcc98127.wp>

DANIEL LOCK. Dismissed as moot Howard R. Irvin Jr.'s petition for reconsideration of the grant by the Licensing and Technical Analysis Branch, Commercial Wireless Division, WTB (formerly Narrowband Branch) of Daniel Lock's application for authorization to construct and operate a one-way 931 MHz paging facility at Charleston, West Virginia. Action by Chief, Commercial Wireless Division. Adopted: June 25, 1998. by Order. (DA No. 98-1235). WTB Internet URL: <https://www.fcc.gov/Bureaus/Wireless/Orders/1998/da981235.wp>

LOUISE M. HART. Dismissed as moot the Request for Waiver filed by Louise M. Hart on July 10, 1995 to waive sections 22.946, 22.947 and 22.949(3) of the Commission's rules. Action by Chief, Commercial Wireless Division. Adopted: June 25, 1998. by Order. (DA No. 98-1236). WTB Internet URL: <https://www.fcc.gov/Bureaus/Wireless/Orders/1998/da981236.wp>

**ADDENDA: The following items, released June 24, 1998, did not appear in Digest No. 121:**

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## NEWS RELEASES

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COMPLIANCE AND INFORMATION ACTION - FEDERAL COMMUNICATIONS COMMISSION ANNOUNCES ENFORCEMENT ACTION CLOSING A PHILADELPHIA UNLICENSED RADIO STATION - REPORT NO. CIB 98-10. The FCC announced today that agents of the Commission, in conjunction with U.S. Marshals, executed a warrant authorizing the seizure of radio transmission equipment operated by "West Philadelphia Pirate Radio (WPPR)." The unlicensed radio station, located at 4414 Pine Street, Philadelphia, Pennsylvania, was also known as "Radio Mutiny." The seizure of the equipment on June 22, 1998, followed numerous attempts by the FCC to have the station operator voluntarily discontinue transmission. News Media Contact: David Fiske (202) 418-0500. CIB Contact: John R. Winston at (202) 418-1100. Internet URL: [https://www.fcc.gov/Bureaus/Compliance/News\\_Releases/1998/nrci8012.wp](https://www.fcc.gov/Bureaus/Compliance/News_Releases/1998/nrci8012.wp)

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## PUBLIC NOTICES

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Released: June 24, 1998. ARCTIC SLOPE TELEPHONE COOPERATIVE, INC. FILES PETITION FOR EXPEDITED WAIVER OF SECTION 36.6219A)(4) OF THE COMMISSION RULES. On May 7, 1998, Arctic Slope Telephone Association Cooperative, Inc. filed a Petition for Expedited Waiver of Section 36.621(a)(4) of the Commission's rules. Interested parties may file comments by July 24; reply comments due by August 10. (DA No. 98-1232). Contact: Andrew Mulitz, Chief, Legal Branch, Accounting Safeguards Division at (202) 418-0850. Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Public\\_Notices/1998/da981232.wp](https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da981232.wp)

Released: June 24, 1998. ATU TELECOMMUNICATIONS PETITIONS COMMISSION FOR WAIVER OF COMMISSION RULES TO OFFER TERM AND VOLUME DISCOUNTS FOR SWITCHED ACCESS SERVICE - PLEADING CYCLE ESTABLISHED. On June 22, 1998, the Municipality of Anchorage d/b/a Anchorage Telephone Utility a/k/a ATU Telecommunications (ATU) filed a petition for waiver of sections 69.106(b) and 69.1249b)(1) of the Commission's rules. ATU requests a waiver of these rules in order to offer term and volume discounts to its customers, which it claims are necessary for it to compete effectively in the local exchange market in Anchorage, Alaska. Interested parties may file comments on the ATU waiver petition no later than July 13, 1998. Reply comments due July 24, 1998. (DA No. 98-1229). Contact: Harold Watson, Competitive Pricing Division at (202) 418-1520. Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Public\\_Notices/1998/da981229.wp](https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da981229.wp)

Released: June 24, 1998. PLEADING CYCLE ESTABLISHED FOR COMMENTS ON APPLICATION FOR REVIEW BY THE FULL COMMISSION OF ORDER RELIEVING INTEREXCHANGE CARRIERS OF PRESUBSCRIBED INTEREXCHANGE CARRIER CHARGES FOR TERMINATED CUSTOMERS. The Commission is seeking comments on SBC Communications, Inc.'s, (on behalf of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell) application for review of the Common Carrier Bureau's Order (DA 98-906) granting Sprint Corporation's petition for declaratory ruling that an interexchange carrier (IXC) that has terminated service to a presubscribed customer for nonpayment or for violation of any other term or condition in the IXC's tariff is not liable for presubscribed interexchange carrier charges with respect to such customer lines, provided that the IXC has made a timely notification to the local exchange carrier (LEC) that it has discontinued service to the customer. Comments due July 7; replies due July 17. (DA No. 98-1225). Contact: Harold Watson at (202) 418-1520. Internet URL: [https://www.fcc.gov/Bureaus/Common\\_Carrier/Public\\_Notices/1998/da981225.wp](https://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da981225.wp)

Report No: 24269. Released: June 24, 1998. BROADCAST APPLICATIONS. Internet URL: [https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/Brdcst\\_Applications/ap980624.txt](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdcst_Applications/ap980624.txt)

Report No: D-992-A. Released: June 24, 1998. MASS MEDIA BUREAU MULTIPOINT DISTRIBUTION SERVICE APPLICATIONS. Internet URL:

[https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/MDS\\_Notices/md980624.pdf](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/MDS_Notices/md980624.pdf)

Report No: D-992. Released: June 24, 1998. MASS MEDIA BUREAU MULTIPOINT DISTRIBUTION SERVICE APPLICATIONS ACCEPTED FOR FILING. Internet URL:

[https://www.fcc.gov/Bureaus/Mass\\_Media/Public\\_Notices/MDS\\_Notices/md980624.pdf](https://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/MDS_Notices/md980624.pdf)

Released: June 24, 1998. FCC ANNOUNCES THE CONDITIONAL GRANT OF 25 LOCAL MULTIPONT DISTRIBUTION SERVICE LICENSES (BALANCE OF WINNING BIDS ARE DUE BY JULY 9, 1998) - AUCTION EVENT NO. 17. (DA No. 98-1226). Contact: Technical Support: (202) 414-1250; OMD: Linwood Jenkins at (202) 418-1995; Form 601 Questions: Bob James or James Moskowitz at (202) 418-0680. News Media Contact: Meribeth McCarrick (202) 418-0654. Internet URL:

[https://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/1998/da981226.wp](https://www.fcc.gov/Bureaus/Wireless/Public_Notices/1998/da981226.wp)

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## SPEECHES

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""A BROAD(BAND) VISION FOR AMERICA"" - REMARKS BY WILLIAM E. KENNARD, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION TO FEDERAL COMMUNICATIONS BAR ASSOCIATION, JUNE 24, 1998, WASHINGTON, DC. Internet URL: "

<https://www.fcc.gov/Speeches/Kennard/spwek819.html>

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## TEXTS

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BELL ATLANTIC' S PERFORMACE MONITORING REPORT SUBMISSIONS FILED PURSUANT TO THE BELL ATLANTIC/NYNEX MERGER ORDER. Addressed the resolution of certain issues concerning Bell Atlantic's Performance Monitoring Report submissions filed pursuant to the Bell Atlantic/NYNEX Merger Order and the progress Bell Atlantic has made in filing such reports. Action by Chief, Accounting Safeguards Division. Adopted: June 24, 1998. by Letter. (DA No. 98-1228). CCB Internet URL:

[https://www.fcc.gov/Bureaus/Common\\_Carrier/Orders/1998/da981228.wp](https://www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/da981228.wp)

GRANITE BROADCASTING COPRORATION. Granted the application to transfer control of Pacific FM, Incorporated, licensee of KOFY-TV, Channel 20 (WB), San Francisco, California, to Granite Broadcasting Corporation, controlling parent of the licensee of KNTV, Channel 11 (ABC), San Jose, California; denied to the extent stated and otherwise dismissed Chronicle Publishing Company's petition to deny; conditionally granted the request for a temporary waiver of the Commission's duopoly rule, Section 73.3555(b), to permit common ownership of KOFY-TV and KNTV; denied Granite's request for a permanent waiver of the duopoly rule. Action by the Commission. Adopted: June 23, 1998. by MO&O. (FCC No. 98-135). MMB Internet URL:

[https://www.fcc.gov/Bureaus/Mass\\_Media/Orders/1998/fcc98135.wp](https://www.fcc.gov/Bureaus/Mass_Media/Orders/1998/fcc98135.wp)

KEYMARKET OF SOUTH CAROLINA, INC. (ASSIGNOR) AND SINCLAIR RADIO OF GREENVILLE, LICENSEE, INC. (ASSIGNEE) AND SPARTAN COMMUNICATIONS, INC. (ASSIGNOR) AND SINCLAIR RADIO OF GREENVILLE LICENSEE, INC (ASSIGNEE). Granted applications for assignment of the licenses of WYRD(AM) and WFBC-FM, Greenville, SC, and WORD(AM), Spartanburg, SC, from Keymarket of South Carolina, Inc., to Sinclair Radio of Greenville Licensee, Inc.; granted the application to assign the licenses for WSPA(AM) and WSPA-FM, Spartansburg, from Spartan to Sinclair; granted application to assign license for the FM translator station W249AR from Spartan Communications, Inc. to Sinclair; granted Sinclair a temporary,

conditional waiver of the Commission's one-to-a-market rule. Action by Bureau Chief. Adopted: June 23, 1998. by MO&O. (DA No. 98-1227). MMB Internet URL:

[https://www.fcc.gov/Bureaus/Mass\\_Media/Orders/1998/da981227.wp](https://www.fcc.gov/Bureaus/Mass_Media/Orders/1998/da981227.wp)

AMENDMENT OF THE COMMISSION'S RULES TO PROVIDE FOR OPERATION OF UNLICENSED NII DEVICES IN THE 5 GHZ FREQUENCY RANGE. Amended Commission's rules to add to the flexibility and capability of Unlicensed National Information Infrastructure (U-NII) operations without causing an increase in harmful interference to incumbent operations sharing the same spectrum. Specifically, amended Part 15 of the Commission's rules to permit fixed, point-to-point U-NII devices in the 5.725-5.825 GHz band to operate with one watt maximum transmitter output power and directional antennas of up to 23 dBi gain. Amended rules to specify transmit power limits in the form of a logarithmic equation as a function of channel bandwidth. Clarified rules regarding unwanted emissions and specified these limits in terms of absolute radiated power levels. Addressed and clarified other issues regarding the operation of and regulations governing U-NII devices raised in Apple Computer, Inc.'s and Hewlett-Packard Company's and Wireless Information Networks Forum's two Petitions for Reconsideration. Dkt No.: ET- 96-102. Action by the Commission. Adopted: June 17, 1998. by MO&O. (FCC No. 98-121). OET Internet URL:

[https://www.fcc.gov/Bureaus/Engineering\\_Technology/Orders/1998/fcc98121.wp](https://www.fcc.gov/Bureaus/Engineering_Technology/Orders/1998/fcc98121.wp)

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The following items are corrections from previous Daily Digests.

The Text "Canton, Normal, and Heyworth, IL" listed on the June 24 Daily Digest and released on June 19 included an incorrect DA Number. The Correct DA Number is 98-1177.